REMARKS

Claims 1-13 were pending in the present application. In the foregoing amendments, claims 12 and 13 have been cancelled without prejudice and disclaimer to the subject matters disclosed herein.

Applicants respectfully request entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

I.   **Information Disclosure Statement**

The Office Action mailed July 23, 2007 (hereinafter, "Office Action") requested that Applicants provide copies of the non-patent literatures listed as C1 and C2, entitled "Data throughput of CDMA-HDR a High Efficiency Data Rate Personal Communication Wireless System" and "CDMA/HDR: A Bandwidth-Efficient High-Speed Wireless Data Service for Nomadic Users," respectively, in an Information Disclosure Statement filed September 24, 2003.

Applicants submit herewith electronic copies (in PDF format) of C1 and C2, and respectfully request that these references be placed in the application file.

II.   **Drawings**

The drawings stand objected under 37 CFR 1.83(a). The Office Action stated that the features recited in the claims must be shown or the feature(s) canceled from the claim(s). Applicants respectfully traverse.

For example, **FIG. 4** of the present application illustrates in block diagram form a portion of a base station. As further described in paragraphs [0025]-[0028] of the application, a **PF calculation unit 42** receives data rate request (DRR) indicators from mobile stations 16, such as DRR(ℓ). The PF calculation unit 42 uses the rate request indicator to determine a priority function (PF) for each user according to Equation (1). The PF(j) for all users having pending data j=1, ..., K are provided to a **scheduling unit 46**. The scheduling unit 46 determines a schedule among the various users associated with PF(j). The schedule information is also provided to a **calculation unit 50** which updates the projected throughput (T') of the active N users. The calculation unit 50 includes a smoothing filter, such as an Infinite Impulse Response (IIR) filter (which may be used in conjunction to determine the fairness parameter α, as further

described in paragraph [0027]). For updating the projected throughput values (T'), the calculation unit 50 receives rate request indicators for mobile stations 16. The updated projected throughput values for the subset of M users with pending data are then provided back to the PF calculation unit 42 to update the PF values.

FIG. 4 further illustrates a **pool calculation unit 40** for determining the number and identification of mobile states 16 active at a given time (see claim 8). The pool calculation unit 40 provides the user identification information to the PR calculation unit 42.

As such, Applicants submit that the features specified in the claims are shown in the drawings of the present application. Applicant respectfully request that the drawings objection be withdrawn.

III.   Rejection of Claims 12-13

Claims 12-13 stand rejected under U.S.C. 101 as claiming the same invention as that of claims 12 and 13 respectfully of U.S. Patent No. 6,657,980.

To expedite prosecution of the present application, claims 12 and 13 have been cancelled in the foregoing amendments, thus obviating the rejection.

IV.   Rejection of Claims 1-11

Claims 1-11 stand rejected on the ground of non-statutory obviousness-type double patenting over claims 1-11 of U.S. Patent No. 6,657,980.

A terminal disclaimer is submitted herewith to overcome the non-statutory obviousness-type double patenting rejection of claims 1-11. Applicant respectfully request that the rejection of claims 1-11 be withdrawn.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: 10/24/2007   By: _____/Jian Ma/_____

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